



FILED

August 24, 2026

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Steve Simon

August 18, 2026

Dear Mr. Lindell,

I am writing in response to your inquiry about a potential recount of the Offices of Governor and Lieutenant Governor in the August 11, 2026, Republican Party Primary. Since the difference in votes between the first and second place candidates is greater than one-quarter of one percent, the candidate requesting the recount would be responsible for the cost of the expenses of the recount as outlined in Minnesota Statutes, section 204C.35, subdivision 2.

The Office of the Minnesota Secretary of State, in consultation with Minnesota counties, has estimated the cost of the recount at \$825,021.93.

In order to proceed with a discretionary recount, an official request for the recount, along with a bond, cash, or surety for the full estimated cost of the recount noted above, must be received by the Office of the Minnesota Secretary of State no later than Monday, August 24.

You may deliver the original bond or surety certificate or, if paying by cash, cashier's check, to the Office of the Minnesota Secretary of State, located at the First National Bank Building, 332 Minnesota Street, Suite N201, Saint Paul, MN 55101. You may also contact elections.dept@state.mn.us to coordinate delivery of the certificate or check.

Sincerely,

A handwritten signature in black ink that reads "Lauren C. Bethke".

Lauren Bethke
General Counsel
Office of the Minnesota Secretary of State

SECRETARY OF STATE
CONTINGENT PLAN
FOR DISCRETIONARY RECOUNT

August 18, 2026

Recount Scope

This recount plan is to be used if a discretionary recount is requested for the votes cast at the August 11, 2026 State Primary Election under Minnesota Statutes section 204C.35 Subd. 2.

The recount is limited in scope to the determination of the number of votes cast for the candidates to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. "Original ballots from which duplicates are to be or were made" envelopes are not to be opened and original ballots that have been duplicated are not to be reviewed during the recount proceedings.

State Recount Official

Paul Linnell, Director of Elections, Office of the Minnesota Secretary of State is hereby designated State Recount Official.

Designated Recount Officials

The State Recount Official may designate Deputy Recount Officials to perform a recount of all ballots cast for the office requested to be recounted. Any such designations made will be reported back to the state canvassing board when it reconvenes to resolve the disposition of the challenged ballots and to canvass the results of the recount(s).

Recount Schedule

Recount Officials are directed to commence recounting the ballots at the dates and times as determined by the State Recount Official pursuant to the authority of the Recount Officials as described in the Recount Procedures.

Recount Process

The recount shall be open to the public.

The recount shall proceed according to *Minnesota Statutes* §204C.35 and *Minnesota Rules Chapter 8235*, and to the Recount Procedures attached to this Plan and adopted by the State Canvassing Board.

Recount Officials will print and use the recount summary statement (worksheet) as provided by the State Recount Official. A template of the recount summary statement is attached to this Plan.

All county and local election officials are hereby directed to provide the sealed election materials, including voted ballots and precinct summary statements from the 2026 State Primary Election to the Recount Official designated for that jurisdiction.

The Recount Officials shall forward the completed recount summary statement, the incident log, and all challenged ballots to the State Recount Official. These materials shall be sent in a secure manner as directed by the State Recount Official. The State Recount Official shall secure the challenged ballots, compile the results and prepare the recount report for the State Canvassing Board.

Meeting of the State Canvassing Board

The State Canvassing Board will meet at a time to be determined to resolve the disposition of the challenged ballots and to canvass the results of any discretionary recounts.

The meeting will continue until the reports of all discretionary recounts authorized in this plan are completed and may recess from time to time.

Administrative Recount Procedures

For the State Primary Election, August 11, 2026

The recount is an administrative recount held pursuant to Minnesota Statutes, section 204C.35 and Minnesota Rules, section 8235.

1. Recount locations are open to the public and the media and there will be a public viewing area in each recount location. Candidates may have additional representatives in the public viewing area of the room. Cell phones and video cameras may be used in the public viewing area, as long as their use is not disruptive and does not show any individual ballot.
2. The State Recount Official may designate Deputy Recount Officials for each recount location throughout the state. A Deputy Recount Official may designate one or more Assistant Deputy Recount Officials to preside whenever he or she needs to leave the room. The Deputy Recount Official or a designated Assistant Deputy Recount Official must be in the room at all times while ballots are being counted. The Deputy Recount Official shall appoint as many Table Officials as he or she deems appropriate. Only the Deputy Recount Official, the Assistant Deputy Recount Official, and the appointed Table Officials may touch the ballots. The Deputy Recount Official shall determine and publicly announce the schedule for the recount, including the start and end times and all breaks within each day, and any changes in the schedule, location or number of tables. The candidates' Lead Representatives may make requests to the Deputy Recount Official for modifications to the schedule, location or number of tables.
3. All ballots cast on Election Day, and all accepted absentee ballots and early voting ballots cast will be counted. The polling place ballots will be combined with the absentee ballots and early voting ballots to be counted for each precinct, and all ballots for the precinct will be counted and reported together as one total.
4. All candidate representatives must present written credentials to the Deputy Recount Official and each candidate must designate one representative as his Lead Representative at each counting location.
5. Ballots, as defined in paragraph 3, will be sorted and counted by teams of at least two Table Officials, who shall be designated by the Deputy Recount Official. The sealed materials must be unsealed and resealed in public view. If not already sorted by precinct, absentee ballots will first be sorted by precinct. When a precinct is to be recounted, the polling place and accepted absentee and early voting ballots will be counted and reported together as one total. An incident log shall be used to record any activity that the Table Officials believe should be recorded.

6. Each candidate may have one representative who is authorized to challenge ballots at each counting table.
7. Before sorting, the ballots shall first be separated by major political party in accordance with Minnesota Statutes, section 204C.21.
8. One of the Table Officials will sort the ballots into three piles, based upon the principles of voter intent outlined in Minnesota Statutes, section 204C.22: one pile for Candidate A, one for Candidate B, and one for all other ballots (those for other candidates, undervotes, overvotes, or otherwise disqualified ballots). The Table Official must make it clear into which pile he or she is placing the ballot and allow both candidates' representatives to view the ballot. Candidate representatives are not allowed to touch or otherwise handle a ballot.
9. If during the sorting, a candidate's representative disagrees with the recount official's determination of for whom the ballot should be counted and whether there are any identifying marks on the ballot, he or she may challenge the decision of which of the three piles the Table Official has placed a ballot and must describe why the decision is being challenged.

A challenge must be made in accordance with Minnesota Statutes, section 204C.22. Challenges may not be made for an entire precinct or group of ballots. Challenges may not be automatic or frivolous. A challenge is frivolous if it is based upon an alleged identifying mark other than a signature or an identification number written anywhere on the ballot or a name written on the ballot completely outside of the space for the name of a write-in candidate. The absence of election judge initials on a ballot cannot be the basis of a challenge. The Table Official will reexamine the ballot to determine into which pile it should be placed.

Challenged ballots shall be recorded on the recount summary statement as part of the pile in which the Table Official intended to place the ballot, and shall also be recorded in a separate challenged ballot column. If either candidate's representative does not agree with the Table Officials' final determination, the ballot will be placed in one of two new piles of challenged ballots. One pile of challenged ballots will be for all ballots challenged by Candidate A's representative; the second pile of challenged ballots will be for all ballots challenged by Candidate B's representative.

10. When all ballots for the precinct have been sorted, each pile will then be counted by creating stacks of 25 ballots, which shall be cross-stacked into five distinct piles – one for Candidate A ballots, one for Candidate B ballots, one for all other non-challenged ballots, one for ballots challenged by the Candidate A Representative and one for ballots challenged by the Candidate B Representative.

The Table Officials will each count one of the candidate's piles. After ballots have been sorted into piles, two representatives per candidate may observe the ballots while they are being counted. A candidate or their representative may request to have

a specific stack of 25 immediately counted a second time before the next stack of 25 has been counted. The candidate or their representative may not request to have an entire pile counted a second time. Vote counts will be announced and recorded in the candidate and “other” columns on the recount summary statement as they were determined by the recount official. Ballots will not be withheld from the candidate counts because they are being challenged.

11. After ballot counting for the precinct is completed, the Deputy Recount Official or designated Assistant Deputy Recount Officials may review the challenged ballots with the candidates or candidates' representatives. They may withdraw previously challenged ballots. If challenges are not withdrawn, the challenge counts are recorded on the recount summary statement. If the Deputy Recount Official determines it is more expedient, the review and labeling of challenged ballots may be located at a separate table dedicated for this purpose, allowing another precinct to be sorted at the precinct table.
12. A label will be placed on white space on the back of each of the challenged ballots on which the Deputy Recount Official or designated Assistant Deputy Recount Official must note the precinct, the candidate and name of the representative who made the challenge, and the reason for the challenge. The challenge reason format is "Not {intent determined by sorter}, is {how challenger views intent}" (e.g. "Not Smith, is undervote", "Not Jones, is identifying mark", "Not Smith, is Jones"). Each of the challenges will be given a sequential number (1, 2, 3, etc., **not** Smith 1, 2, 3 and Jones 1, 2, 3) within each county.
13. At the end of each day, the Deputy Recount Official or Assistant Deputy Recount Official will make four copies of the recount summary statement, recount incident logs, and both sides of each challenged ballot. One copy of each item will be retained by the Deputy Recount Official, one will be forwarded to the Office of the Secretary of State, and one copy will be provided to the Lead Representative for each candidate. If the Table Officials must leave the room to make the copies, they will be accompanied by each candidate's representative and the names of everyone who left the room with the ballots will be noted on the incident log.
14. After copies have been made, the Deputy Recount Official or Assistant Deputy Recount Official shall seal the original challenged ballots in one envelope, the Deputy Recount Official's copies in another envelope and the copies for the Office of the Secretary of State in a third envelope. At least two Table Officials will sign over the seal of all 3 envelopes.
15. Challenged ballots must be stored securely during breaks in the counting process, at night if the recount for the County or City has not finished, and after the counting is complete. The sorting, counting, and review of ballots for a precinct must be completed and all ballots must be securely stored before breaks for meals can be taken or counting is finished for the day.

Preparation for the next Canvassing Board Meeting:

- 1 Challenged ballots will be presented to the Canvassing Board for resolution of the challenge on a county by county basis in an order to be determined by the State Recount Official.
2. To facilitate the review of challenged ballots by the Board, the State Recount Official may open the challenged ballot envelopes to remove those challenged ballots which have been withdrawn by each of the two candidates or their representatives after the precincts were recounted but prior to the next Board meeting.

The State Recount Official will arrange for this process to occur in an appropriate room and at an appropriate time and shall inform the candidates and the public of the time and location so that they may observe if they so desire. The State Recount Official may designate any members of the staff of the Office of the Secretary of State to assist in this task. At least two staff members must be present at all times during this process.

The withdrawn challenged ballots shall be sealed into separately labeled envelopes for return to the jurisdiction from which they were received. The remaining challenged ballots shall be sealed into labeled envelopes and be kept secure for review by the board.

3. A representative of the candidate challenging the ballot may present the basis of the challenge to the Board. This presentation may be in written and/or oral form. The opposing candidate's representative may respond to the challenge and state why he or she believes the original determination of the Table Official should be upheld.

Sample Recount Summary Statement

Precinct	August 11 Votes for CANDIDATE A	August 11 Votes for CANDIDATE B	Recount Votes for CANDIDATE A (as recounted)	Recount Votes for CANDIDATE B (as recounted)	Recount All OTHER Ballots (as recounted)	Ballots Challenged by CANDIDATE B	Ballots Challenged by CANDIDATE A	Ballots Challenged by BOTH	Precinct Complete
Precinct 1									
Precinct 2									
Total	0	0	0	0	0	0	0	0	

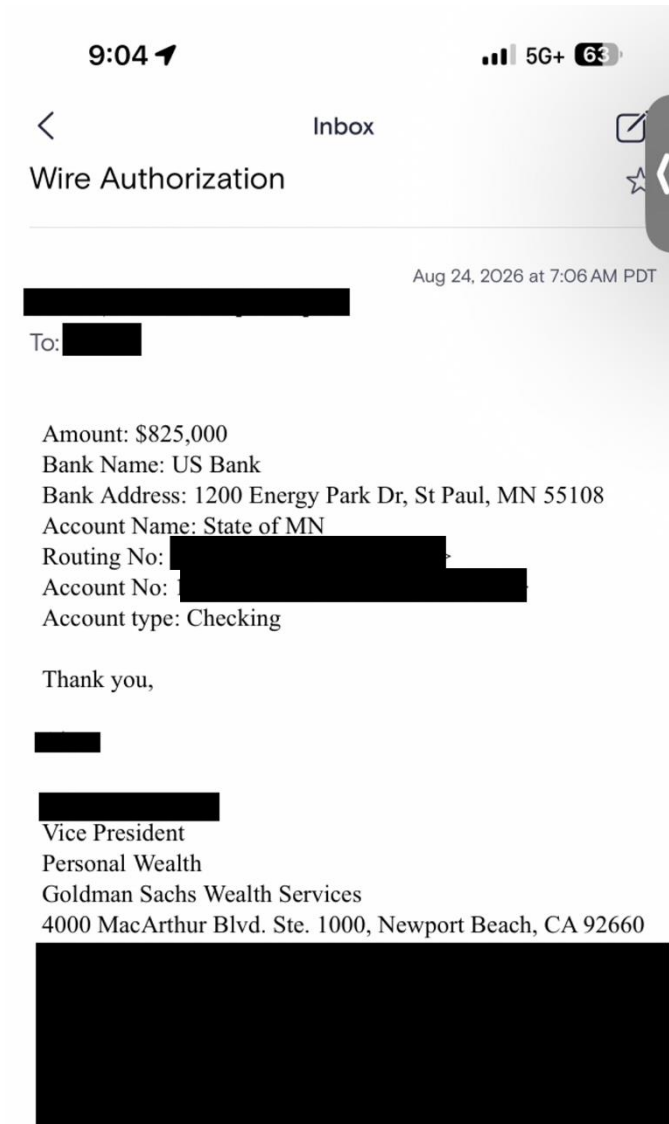


Figure 1 Proof of \$825,000 Wire Transfer Readiness

From: Mike Lindell <mike@mypillow.com>
Sent: Monday, August 24, 2026 5:05 PM
To: Lauren Bethke <Lauren.Bethke@state.mn.us>; Barbara Berens <bberens@berensmiller.com>
Subject: Mike Lindell Governor Recount

Dear Ms. Bethke,

Your position as regards your demand for my payment for the recount by the end of the day today as well as your last-minute disclosure about your client's proposed parameters of the recount has put me in an untenable position.

Just this morning you informed me for the first time the recount, in violation Minn. Stat. Section 204.25, subd. 3, will only include the recount of two groups of votes. The proposed scope of that recount conflicts with the foregoing statutory provision and it also fails to even begin to address the legitimate concerns I have as a candidate for governor.

First, the same ballot form was used for both the Democratic and Republican primary races and thus, a full recount of all of the ballots is warranted to ensure that there are no anomalies in the ballots cast whether they are for the Democratic or Republican gubernatorial primaries.

Second, by only counting a subset of the votes that had been cast solely in the Republican gubernatorial primary, I will be unable to get a full picture of the actual number of Republican votes cast to determine if I won the primary, particularly given the number of substantial number of votes that were reportedly cast for the Republican gubernatorial candidate who obtained the third largest number of those votes.

Third, you only informed me of the surprise change in the proposed parameters of the recount this morning, even though (as you indicated during a call today) the "contingent" plan on which you rely was prepared last week. Thus, you knew or should have known that the terms of that "contingent" plan would be the ones on which your clients would rely almost one week ago. Your notification on the very last day that I am to pay for the recount in accordance with that "contingent" plan is indefensible because you are now proposing a recount that violates the statute, and if I don't pay for that invalid recount, you are claiming I will lose all rights by operation of Minnesota statute.

Given that, I ask you to have your client waive that statutory provision as regards payment until a court determines whether your proposed recount is permitted under Minnesota statute or not. Given the factual record, your client's waiver would be evidence of its good faith in ensuring that the gubernatorial primary races were properly conducted and the voting machines were accurate!

Thank you,

Mike Lindell

Candidate for Minnesota Governor

Exhibit D

From: "Bethke, Lauren (She/Her/Hers) (OSS)" <Lauren.Bethke@state.mn.us>
Date: August 24, 2026 at 4:01:13 PM CDT
To: Barbara Berens <bberens@berensmiller.com>
Cc: Mike Lindell <mike@mypillow.com>
Subject: RE: Recount Demand Rule 408 Communications

Dear Ms. Berens,

Thank you for this information. As we discussed earlier, any recount would be done according to the procedures in the Discretionary Recount Plan, which was approved by the State Canvassing Board on August 18 and provided to Mr. Lindell on the same day. Please be advised that, in order to proceed with a recount, the funds required by Minn. Stat. 204C.35, subd. 2(b) must be received by our office no later than 11:59 pm today, August 24, 2026. See Minn. R. 8235.1200.

Please let us know how you would like to proceed.

Sincerely,

Lauren Bethke

General Counsel

Pronouns: she/her/hers

Office of Minnesota Secretary of State, Steve Simon

Veterans Services Building, 20 W 12th Street, Suite 210

St. Paul, MN 55155

Office: 651-201-1326

Cell: 651-703-3219

Website: www.sos.mn.gov

From: Barbara Berens <bberens@berensmiller.com>
Sent: Monday, August 24, 2026 3:48 PM
To: Bethke, Lauren (She/Her/Hers) (OSS) <Lauren.Bethke@state.mn.us>
Cc: Mike Lindell <mike@mypillow.com>
Subject: Recount Demand Rule 408 Communications
Importance: High



You don't often get email from bberens@berensmiller.com. [Learn why this is important](#)



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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Exhibit E

Dear Ms. Bethke, in response to your most recent email to Mr. Lindell, to confirm, Mr. Lindell is **not** withdrawing his request for a recount. But he is requesting that the recount be conducted in the manner set forth in this email.

Upon first review of the state's Contingent Discretionary Recount Plan, the proposal to count only those votes cast for Ms. Demuth and Mr. Lindell conflicts with the statutory requirements for the recounts that are to be paid for by the candidate. First, a recount of just those votes sheds no light on whether there are enough questionable votes that had been cast for the remaining candidates to turn the results around. Second, a recount of just those two groups of votes will not reveal what Mr. Lindell contends are anomalies or questions as to the votes that have been cast in the Republican gubernatorial primary. Third, a recount of the votes cast for the Democratic candidates is also necessary to ensure that there were no issues with the voting machines used on election day.

Mr. Lindell stands ready and willing to pay \$825,000 for all of the votes cast in both primaries for the governor's race. I will send via separate email the proof of the accessibility of those funds to pay for the recount of all of the votes.

Mr. Lindell thus requests that the state agree to perform this recount that he is entitled under Minnesota statute. See, e.g., Minn. Stat. Section 204C.35, subd. 3. If this request is denied, Mr. Lindell will be seeking judicial determination of this matter.

Mr. Lindell also expressly reserves all of his rights and defenses as to this matter.



Barbara Podlucky Berens
Berens & Miller, P.A.
3720 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
612-349-6171

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Martindale-Hubbell

